

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against-

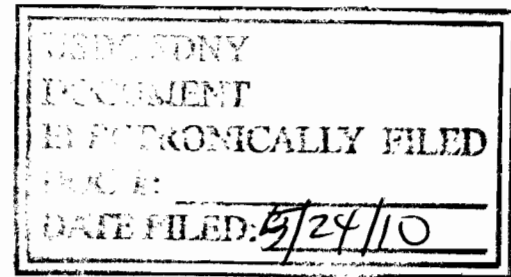
WILLIAM HENRIQUEZ,

Defendant.

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ALVIN K. HELLERSTEIN, U.S.D.J.:

ORDER

05 Cr. 185 (AKH)



On October 26, 2007, this Court sentenced Mr. Henriquez to a 240 month term of incarceration.

On November 15, 2007, Mr. Henriquez was sentenced in the Bronx County, New York, Supreme Court, Case Number 02951-2007, to a 15 year term of incarceration for manslaughter. At this time, he remains in State custody.

On April 28, 2010, Mr. Henriquez submitted a letter to the Court requesting the Court's assistance in securing his transfer to the custody of the Federal Bureau of Prisons.

On May 13, 2010, the Court received a letter from Jose A. Santana, Chief of the Designation and Sentence Computation Center of the Federal Bureau of Prisons. Mr. Santana indicated that Mr. Henriquez has requested credit toward his Federal sentence for his time in State custody. Mr. Santana wrote that although the Bureau of Prisons will make an independent determination as to Mr. Henriquez's request, it will take into consideration the Sentencing Court's position. The letter requested that the Court state its position within sixty days.

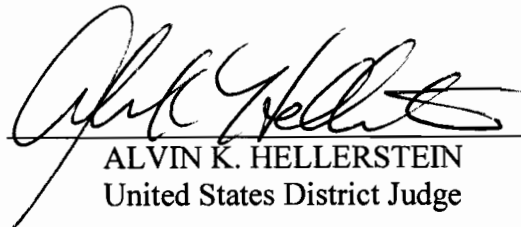
After reviewing Mr. Henriquez's file, and upon representations of his attorney, Joel Stein, Esq., and the Assistant District Attorney on the state case, it appears that the state initiated its prosecution of Mr. Henriquez after this Court sentenced him. Mr. Stein represented

that the State sentencing court indicated that Mr. Henriquez's sentence was to run concurrent with his Federal sentence and that Mr. Henriquez could serve his sentence in Federal custody.

Because this Court had no knowledge of the State prosecution at the time it sentenced Mr. Henriquez, it takes no position on whether Mr. Henriquez is entitled to credit towards his Federal sentence for the time served in State custody or whether Mr. Henriquez should serve his sentence in Federal custody. The State sentencing court can remedy any errors that may have occurred in the execution of its sentence.

SO ORDERED.

Dated: New York, New York
May 24, 2010



ALVIN K. HELLERSTEIN
United States District Judge